

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

VACANT
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
SEPTEMBER 28, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power, Paul J. Escobar, Vivian Rojas and Anthony W. Cobos. Absent: None. Meeting was called to order at 9:14 a.m. and the invocation was given by Pastor Robert D. Hooks, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **BI-NATIONAL PROMISE TO STAY DRUG-FREE MONTH**
2. **EL PASO DEAF AWARENESS WEEK**

PRESENTATION

Presentation by Biggs Airfield Army's Sergeant Major Academy Sergeant Donnie E. Webb on Hispanic Heritage Day on September 22, 2004. The purpose of this special observation is to introduce the Rich Heritage of the El Paso Area and the Hispanic Community to more than 500 senior soldiers enlisted in the Army's Sergeant Academy who come from various parts of the United States.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to postpone two (2) weeks the discussion and action on the flooding problems that 50-60 businesses located at the intersection of McRae and Carnegie have continued to suffer over the years. Requests for flood control have been made to the City over the past 7 years and have not been addressed to date. Our taxes are going up as high as the water that is flooding our businesses when it rains. [Ali Bourselan and Robert Maupin]

Representative Austin was not present for the vote.

No action was taken on the discussion and action on the proper posting of agendas and other information required by Open Meetings Act. [Matthew Carroll]

Mr. Matthew Carroll, citizen, read from a prepared statement regarding the posting of the City Council agendas and other City meetings. He provided the Council Members with copies of Government Code – Chapter 551, Section 551.050. Municipal Governmental Body: Place of Posting Notice. He requested that the City Council agenda, posted on the bulletin boards outside the basement and first floor doors, be printed in a larger font and that the lighting fixture, outside the City Hall building, be repaired. He also requested that the expired postings for other City meetings be removed to allow ample space for future City meeting postings and meetings with lengthy agendas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contracts on behalf of the Arts and Culture Department, to be funded through the FY2005 Direct Funding Program of the Arts and Culture Department, as recommended by the Arts and Culture Department Advisory Board and Staff. Funds will be provided from the Arts and Culture Department (ACD) and the Texas Commission on the Arts (TCA).

	ACD	TCA	TOTAL
1. El Paso Opera	\$10,353	\$2,573	\$12,926
2. El Paso Pro-Musica	\$14,562	\$3,461	\$18,023
3. El Paso Symphony Orchestra	\$10,591	\$2,632	\$13,223
4. Aardvark Theatre	\$5,117	\$0	\$5,117
5. Community Empowerment Through Education/Border Senses Intergenerational Art Development Program	\$4,760	\$0	\$4,760
6. Bridge Center for Contemporary Art/ Chamizal Independent Film Festival	\$5,176	\$0	\$5,176
7. Chamizal National Memorial/Siglo de Oro	\$5,176	\$0	\$5,176
8. Chamizal National Memorial/Festival	\$0	\$3,499	\$3,499
9. Creative Kids	\$7,587	\$2,177	\$9,764
10. Theatre, Inc./Danzas Españolas Una Noche en España	\$2,070	\$0	\$2,070
11. El Paso Community College Arts and Communication Division-Spring Arts Festival	\$4,331	\$1,227	\$5,558
12. El Paso Friends of Jazz Society	\$1,876	\$508	\$2,384
13. El Paso Playhouse Kids-n-Company	\$5,117	\$0	\$5,117
14. El Paso Sungold Sweet Adelines	\$1,705	\$0	\$1,705
15. El Paso Wind Symphony	\$9,207	\$0	\$9,207
16. Gilbert & Sullivan Company of El Paso	\$2,471	\$868	\$3,339
17. International Hispanic Cultural Institute/ El Paso Latino Arts Festival	\$9,207	\$3,461	\$12,668
18. Project Change/Victory Warriors Drill Academy	\$4,938	\$0	\$4,938
19. Project Vida Arts Program	\$5,057	\$754	\$5,811
20. Sun City Chorale/El Paso Chorale	\$5,295	\$2,603	\$7,898
21. Showtime El Paso	\$5,176	\$0	\$5,176
22. Theatre, Inc.	\$9,515	\$3,577	\$13,092
23. UTEP/Art Department Visiting Artists and Exhibition Series	\$5,236	\$2,603	\$7,839
24. UTEP/Language and Linguistics Department 10 th Contemporary Mexican Literature Conference	\$4,776	\$2,543	\$7,319
25. UTEP/Union Programs Office-Wednesday Music Café	\$5,057	\$2,514	\$7,571
TOTALS	\$144,356	\$35,000	\$179,356

NOTE: Resolution was revised to delete "El Paso Association for the Performing Arts for \$5,295".

Ms. Debbie Hamlyn, Deputy CAO for Quality of Life Services, explained the revisions to the resolution language and noted that prior to the approval of the new contract the El Paso Association for the Performing Arts must pay the outstanding \$13,000 balance the Association owes the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following Agreement for the following artist to be accepted as part of the FY 2005 Arts in Education Program of the Arts and Culture Department as recommended by the Arts and Culture Department's Advisory Board and Staff:

1. Carmel Fenter

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contracts on behalf of the Arts and Culture Department for the FY 2005 Dia De Los Muertos Festival to be held at the El Paso Convention and Visitors Bureau Plaza, on Saturday, October, 30, 2004.

1. Jena Camp; cost of \$150
2. Nancy Green; cost of \$150
3. Lorenzo Guel; cost of \$150
4. Armin Harrison; cost of \$100
5. Edward Holland; cost of \$100
6. Mahrla Manning; cost of \$100
7. Valta Leticia Ortega; cost of \$500
8. Ricardo Paz; cost of \$150
9. Thelma Rodriguez-Wood; cost of \$100

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City of El Paso, be authorized to sign the attached Release of Lien on the property (Legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this condemnation lien:

	<u>Lien Amount</u>	<u>Interest</u>	<u>Total Paid</u>
59 North Walnut Street	\$1,973.17	\$476.83	\$2,450.00

***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 30th day of March, 2003, after due notice and hearing, ordered CARMEN MENDOZA, record Owner of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for Building Permitting and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 11 and 12, Block 57, Amended Map of Morningside Heights Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 11, Page 33, Plat Records of El Paso County, Texas, municipally known and numbered as 4007 Tyler Avenue,

to be \$4,872.52, performed by the Street Department of the City of El Paso, \$1,058.95 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$5,931.47. The City Council finds that the work was completed on the 10th day of June, 2004, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of FIVE THOUSAND NINE HUNDRED THIRTY-ONE and 47/XX DOLLARS (\$5,931.47) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign, on behalf of the City, a Contract of Sale between the CITY OF EL PASO and ANNA CECILIA BARRAGAN, ALFRED JACQUES, RICHARD Z. ARMIJO and VIRGINIA ORALIA REYNA for the purchase of property described as

Lots 24 through 28, Block 1, VISTA COMMERCIAL PARK, an addition to the City of El Paso, El Paso County, Texas,

to be used for construction of new Fire Station No. 35.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Twelve Thousand One Hundred And No/100 Dollars (\$12,100.00, \$5,675.00-Loan \$6,475.00-Grant), against the following described real property:

Lot 1, Block 4, HIDDEN VALLEY UNIT ONE, an Addition to the City of El Paso, El Paso County, Texas; according to the map thereof on file in Book 23, Page 3, Plat Records of El Paso County, Texas; known and numbered as 7156 Pear Tree

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to postpone two (2) weeks the Resolution that the Mayor or City Manager is authorized to sign a Business Account Application, as amended, and Client Agreement, as amended, with Morgan Stanley, and to execute and deliver such additional documents as may be necessary to accomplish the purpose contemplated by this Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract renewal for the lease of the second floor at the Medical Examiner's Office with the Health District.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Museum of Art be authorized to serve wine at One Arts Festival Plaza at the reception for Educator Evening, October 7, 2004, 6:00 p.m. - 8:00 p.m.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Museum of Art be authorized to serve wine at One Arts Festival Plaza at the John Spike Lecture and Reception on the evening of October 11, 2004.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council approve a Letter of Engagement between the City of El Paso and Norman J. Gordon, Attorney at Law, Mounce, Green, Myers, Safi & Galatzan, A Professional Corporation, to consult with the City on all aspects relating to the matter of the PETITION OF EL PASO ELECTRIC COMPANY TO RECONCILE FUEL COSTS, PUBLIC UTILITY COMMISSION DOCKET NO. 30143, SOAH DOCKET NO. 473-05-0013.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Attorney's Office is authorized to file a Motion to Intervene in Public Utility Commission of Texas proceeding styled *PETITION OF EL PASO ELECTRIC COMPANY TO RECONCILE FUEL COSTS, PUBLIC UTILITY COMMISSION DOCKET NO. 30143, SOAH DOCKET NO. 473-05-0013.*

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **PAUL BACA**, to assist the Information Technology Department as a Programmer Analyst at an hourly rate of \$19.95 for 10 hours per week. The term of the contract shall be for the period of September 29, 2004 through February 28, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the **City of El Paso** and **The University of Texas at El Paso**, political subdivision of the State of Texas, to allow for sharing of the City's 800 mhz Trunking simulcast radio system which is designed for delivery of the entry level data radio application, text messenger, and which provides for a data link for Emergency Service Agencies and personnel to local, state, and national databases.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Fred Morales covering an exhibit of photos and postcards entitled "History of Old Bridges of El Paso" at the Cielo Vista Library Branch of the El Paso Public Library System for the period of October 1 through 30, 2004. This exhibition is at no cost to the City.

Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JIM MARTINEZ**, for consulting services during the transition period for the new City Manager, at a weekly rate of \$2,956.73. The term of the contract shall be from the period of September 28, 2004 through October 5, 2004 with the City's option to extend for one-week if needed.

Representatives Cook, Lozano, and Rojas objected to the contract.

Representatives Austin and Cobos spoke in favor of the contract and added remarks.

Mayor Joe Wardy stated that the contract was for an orderly transition.

Ms. Joyce Wilson, City Manager, explained that the contract was discussed in general with her and that the transition would allow Mr. Martinez to close outstanding projects.

Mr. Jim Martinez, Chief Administrative Officer, added that he had spoken with Ms. Wilson approximately one month ago and would not have placed the item on the agenda without her approval.

Mr. Richard Schecter, citizen, asked whether or not Mr. Martinez would be employed if the contract were not approved today.

Mayor Wardy provided explanation.

Ms. Lisa Turner, citizen, noted that she had received a satisfactory explanation for the contract from Ms. Wilson.

Motion made by Representative Cushing, seconded by Representative Cobos and carried to approve the above Resolution.

AYES: Representatives Austin, Cushing, Escobar, and Cobos

NAYS: Representatives Lozano, Cook, and Rojas

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso, Texas ("City"), acting in its capacity as the fiscal agent to the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and the University of Texas at El Paso ("UTEP"), wherein UTEP will provide to the MPO transportation modeling services pursuant to the Agreement, and as required by the Unified Planning Work Program, subject to Civil Service Commission approval. The contract period is from September 30, 2004 through September 30, 2005 at a total contract cost not to exceed \$149,446.00.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to delete the Resolution that the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year 2004/2005 appropriations to be approved by the City Council.

ARMIJO RECREATION CENTER

DEPARTMENT ID: 51510065, ACCOUNT 502214

1. **CONTRACTOR:** Manuel Juarez, Jr., Survival English/Spanish Instructor
 DATES: October 2, 2004 through February 28, 2005
 RATE PER CL: \$7.00
 MAXIMUM AMT: \$350.00
 CONTRACT: **2004/2005-085**

MULTI-PURPOSE CENTER

DEPARTMENT ID: 51510032, ACCOUNT 502214

2. **CONTRACTOR:** Eugenia Gonzalez, Step Aerobics Instructor
 DATES: October 01, 2004 through August 31, 2005
 RATE PER CL: \$15.00
 MAXIMUM AMT: \$780.00
 CONTRACT: **2004-2005-086**

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to delete a Resolution that That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2004/2005** appropriations to be approved by the City Council.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. **CONTRACTOR:** Amanda Posadas, Swim Instructor, Step 1
 DATES: October 01, 2004 through September 30, 2005
 RATE PER HR: \$5.35
 CONTRACT NO: **2004/2005-151**

- 2. CONTRACTOR: Manuel Valenzuela III, Pool Attendant, Step 1
 DATES: October 01, 2004 through September 30, 2005
 RATE PER HR: \$5.40
 CONTRACT NO: **2004/2005-152**
- 3. CONTRACTOR: Linda Y. Gray, Lifeguard, Step 3
 DATES: October 01, 2004 through September 30, 2005
 RATE PER HR: \$6.20
 CONTRACT NO: **2004-2005-153**

GALATZAN RECREATION CENTER
DEPARTMENT ID: 51510131, ACCOUNT 501011

- 4. CONTRACTOR: Arcelia Delgado, Assistant Instructor Day Care, Step 1
 DATES: October 04, 2004 through August 31, 2005
 RATE PER HR: \$5.90
 CONTRACT NO: **2004/2005-154**
- 5. CONTRACTOR: Irum Hussain, Assistant Instructor Day Care, Step 2
 DATES: September 29, 2004 through August 31, 2005
 RATE PER HR: \$6.15
 CONTRACT NO: **2004-2005-155**
- 6. CONTRACTOR: Laura Rivas, Assistant Instructor Day Care, Step 1
 DATES: October 04, 2004 through August 31, 2005
 RATE PER HR: \$5.90
 CONTRACT NO: **2004-2005-156**

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the “Park Partner” agreement with the following individual for maintenance and other services on City property as described in the agreement:

The Kern Place Association, Inc. Madeline and Alethea Park

AND THAT the Mayor be further authorized to sign additional documents and take additional action necessary to fulfill the purpose of this contract.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Chief of Police be authorized to submit an on-line grant application from the El Paso Police Department and the Mayor be authorized to sign a Memorandum of Agreement and any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant, to the U.S. Department of Justice, Bureau of Justice Assistance, and to the Office for Victims of Crime as necessary for a Law Enforcement and Service Provider Multidisciplinary Anti-Trafficking Task Forces grant in the amount of \$150,000 annually (3 year grant period), a total of \$450,000, for the purpose of establishing a Human Trafficking Task Force to assist victims of Human Trafficking. Matching funds are required in the amount of \$50,000 annually (3 year grant period), a total of \$150,000.

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Westside Addition
Owner/Developer: Winton and Associates, Inc.
Consultant: Brock and Bustillos, Inc.

Street Improvements:

Tyler Seth Avenue - from the east dedicated Right Of Way of Westside Road to the end of cul-de-sac

Valle Bello Avenue - from the south R.O.W. line of Tyler Seth Avenue to the east dedicated Right Of Way of Westside Road

Westside Road - from the south subdivision boundary line to the north subdivision boundary line

Drainage Improvements:

Surface Drainage On site ponding

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Arts & Culture Director (1)9

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Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to move to the regular the appointment of Joyce A. Wilson as City Manager, effective September 28, 2004.

Mayor Joe Wardy moved the appointment of Joyce A. Wilson as City Manager, effective September 28, 2004 to the regular agenda and to the forefront and welcomed Ms. Wilson.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried that Joyce A. Wilson be appointed City Manager, effective September 28, 2004 at an annual salary of \$165,000 and other terms and benefits as specifically set out in the Employment Agreement which is herein incorporated as if fully set forth.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to move to the regular agenda the appointment of Betty Jaraba as Interim Arts & Culture Director (provisional), effective October 4, 2004.

Ms. Betty Jaraba thanked the Council for their support.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that Betty Jaraba be appointed Interim Arts & Culture Director (provisional), effective October 4, 2004 at an annual salary of \$68,000.00.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to re-appoint Douglas Chamlee to the Information Technology Advisory Board by Representative Robert A. Cushing, Jr., District 2.

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to postpone one (1) week the re-appointment of Fernando Parra to the Information Technology Advisory Board by Representative Vivian Rojas, District 7.

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*Motion made Representative Cobos, seconded by Representative Lozano and unanimously carried to appoint Gwendolyn L. Pulido to the City-County Animal Shelter Advisory Committee by Representative Susan Austin, District 1.

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*Motion made Representative Cobos, seconded by Representative Lozano and unanimously carried to appoint John Taylor to the Zoning Board of Adjustment by Representative Robert A. Cushing, Jr. (serving as alternate member), District 2.

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*Motion made Representative Cobos, seconded by Representative Lozano and unanimously carried to appoint Miguel Grijalva to the Community Development Steering Committee by Representative Vivian Rojas, District 7.

NOTE: Request was revised to read "Representative Vivian Rojas".

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*Motion made Representative Cobos, seconded by Representative Lozano and unanimously carried to appoint Esteban Sansores to the Community Development Steering Committee by Representative Jose Alexandro Lozano, District 3.

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*Motion made Representative Cobos, seconded by Representative Lozano and unanimously carried to appoint James A. Major to the Zoning Board of Adjustment by Representative Jose Alexandro Lozano, District 3.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #G547-000-0030-1600, \$284.97 per month installments on a balance of \$3,419.64 for 2001, 2002 & 2003 taxes; Javier and Candelaria Garcia – 12400 Cuatro Aces.
- B. PID #H453-999-1410-8500, \$413.06 per month installments on a balance of \$2,478.36 for 1996, 1997, 1999, 2000, 2001, 2002 & 2003 Taxes; Jesus Lujan – 2708 Idalia Ave.
- C. PID #M794-999-0290-4600, \$311.61 per month installments on a balance of \$4,674.15 for 1996 & 1997 taxes; Fernando A. & Socorro Luna – 3301 Monroe Ave.
- D. PID #T645-999-0060-1300, \$192.35 per month installments on a balance of \$2,308.20 for 2002 & 2003 taxes; Raquel & Marco A. Torres, Jr. 242 Limonite Cir.
- E. PID #V869-000-0020-2100, \$426.00 per month installments on a balance of \$5,112.00 for 1999, 2000, 2001 & 2002 taxes; Guadalupe A. Torres – 3837 John Henry St.
- F. PID #2000-000-0731-0022, \$395.72 per month installments on a balance of \$2,374.32 for 2002 & 2003 taxes; Plastics International, Inc. % Raymond & John Tamez. – 7741 Kiely.

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried that the following tax refunds be approved:

- A.** Wells Fargo Real Estate Tax Service in the amount of \$4,441.49 overpayment of 2003 taxes.
(PID #N425-999-0320-2200)
- B.** Wells Fargo Real Estate Tax Service in the amount of \$3,656.43 overpayment of 2003 taxes.
(PID #S812-999-0240-0100)
- C.** Chase Manhattan Mortgage in the amount of \$7,438.72 overpayment of 2003 taxes.
(PID #T230-999-0060-2500)
- D.** Homecomings Financial in the amount of \$4,158.23 overpayment of 2003 taxes.
(PID #U819-999-006A-1920)

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to authorize to disburse \$1,500 from District VII Discretionary funds to the Mission Valley Regional Command Center for the Pride Day activities planned for November 6, 2004.

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve the request authorizing to allocate \$1,000.00 from District #8 discretionary funds to the Buena Vista Beautification Committee for community clean-up projects in District #8 and that such allocation be contingent upon the negotiation by the City Attorney's Office of an appropriate agreement to be signed by the Mayor to set forth the manner in which the Committee will use the funds.

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve the request that the Director of Purchasing be authorized to exercise the City's Option "A" to purchase additional quantities pursuant to the terms of Contract No. 2004-194 for two 25-Yard Roll Off Trucks from Southwest Sterling Inc., El Paso Texas.

Department:	Solid Waste Management
Funds Available:	34340200-508029-40415-PMB0005003
Funding Source:	FY2004 Solid Waste Management Revenue Bonds
Item:	25 Yard Roll Off Trucks (2 Each) @ \$103,062.00
Award Amount:	\$206,124.00

Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to move to the regular agenda Best Value Procurement Solicitation No. 2004-247 Household Hazardous Waste Disposal Services (ReBid)

Award to: Rinchem Company, Inc.
Chaparral, NM
Item (s): All (option included)
Amount: \$200,000.00 (estimate yearly)

Department:	Solid Waste Management
Funds available:	34010296-40403-502204
Funding source:	Outside Contracts
Total award:	\$400,000.00 (estimated)

Solid Waste Management and Purchasing recommend awards as indicated as this vendor has provided the Best Value Bid Procurement meeting specifications.

This is a twenty-four (24) month contract with the option to extend the term of this contract for two (2) additional years.

Representative Cook explained that this was the sixth time the proposal had been sent out to bid.

Representative Austin commented on the numerous difficulties hindering the award of the bid and requested that those difficulties be removed.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to reject all bids for Solicitation No. 2004-247 Household Hazardous Waste Disposal Services (ReBid).

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to award Solicitation No. 2004-219 Ground Maintenance-City Medians

Award to: H. Repair Solutions
El Paso, TX
Item (s): All
Amount: \$52,960.00 (estimated yearly)

Department: Street
Funds available: 32010200-01101-502221
Funding source: Operating Funds, Groundkeeping/Horticultural Contracts
Total award: \$158,880.00 (estimated)

Street Department and Purchasing recommends award as indicated as this vendor is the low responsive bidder.

This is a thirty-six (36) month contract with no option to extend the term of this contract.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to award Solicitation No. 2004-241 Bomb Response Vehicle

Award to: Philpott Motors, Ltd.
Nederland, Texas
Item (s): 1- One (1) Each with Optional Items O1 and O2
Amount: \$97,618.00

Department: El Paso Police Department
Funds available: 22150024-508007-07164-G220405
Funding source: Homeland Security Grant
Total award: \$97,618.00

The Fleet Services, Police, Purchasing Departments and the Fire Department Office of Emergency Management recommend award as indicated as this vendor has provided the low, responsive, responsible bid meeting specifications. A lower bid was received but is deemed non-responsive as detailed in the backup.

This is a fixed-price, single (one-time) purchase, to purchase one (1) Bomb Response Vehicle. There is also an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. No prompt payment discount is offered.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve budget transfer BT2005-002 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$487,814 to the Clint Landfill Phase I - Cells 3,4,5 and 6 to fund design and program management. Funding source is 2004 SWM Revenue bonds.

Increase	\$487,814	to	34340100/PSWM001240433/407020	OrglsueBdPro
Increase	\$457,814	to	34340100/PSWM001240433/508016	ContrctulArch
Increase	\$ 30,000	to	34340100/PSWM001240433/508051	Progam Mgmt

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve budget transfer BT2005-027 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$22,000 for design of the GSA Storm Sewer Relocation through Santa Fe Street. Funding source is General Services Administration, Reimbursement.

Increase	\$22,000	to	31255013/PPWFL0304727707/508016	CntrctualArch
Increase	\$22,000	to	31255013/PPWFL0304727707/405067	ReimbExpend

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve the request of UTEP Army ROTC to hold a 5K Run on October 16, 2004 from 7:30 a.m. to 8:30 a.m. Route: Starting at Baltimore, turning right on Oregon, turning right on University, turning left on Hawthorne, turning right on Rim Road, turning right at Wiggins, turning left on Sun Bowl Drive and ending at Baltimore. Approximately 200 persons will participate with 50 spectators anticipated.

PERMIT#: 04-109 [Captain Jesus Silerio]

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve the request of Empowerment Resources, Inc. to hold a 8k run on October 9, 2004 from 8:30 a.m. to 9:30 a.m. Route: Start at Marwood Park, turn right on River Bend to Sunset, turn left on Sunset to Vista del Monte, turn right on Vista del Monte to Meadowlark, turn right on Meadowlark to Linda, turn left on Linda to Vista del Monte, turn left on Vista del Monte to Sunset, turn left on Sunset to River Bend, turn right on River Bend, and finish at Marwood Park. Approximately 200 persons will take part and 75 spectators are anticipated. This request includes permission to use amplification (P.A system with 1 microphone). PERMIT#: 04-111 [Reta Cook]

.....
Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to move to the regular agenda the request of Sun Bowl Association to hold the Las Palmas Del Sol Sun Bowl Parade on November 25, 2004 from 1:00 a.m. to 4:30 p.m. Route: Starting at the corner of Montana and Mesa, proceeding on Montana and ending at the North/South freeway service road. Approximately 3,000 persons, 150 vehicles and 40 animals will take part and 275,000 spectators are anticipated. This request includes permission to use amplification (several floats may have sound equipment capable of being heard to the curb of the route). PERMIT#: 04-110 [Bernie Olivas]

Mr. Alan Shubert, Director of Building Permits and Inspections, asked Mr. John Nance, Assistant City Attorney, to explain.

Mr. Nance explained the terms of an agreement entered into by and between the City of El Paso and the Sun Bowl Association referencing the City's contribution of \$29,000.00 for traffic control assistance. He answered questions from and responded to comments made by the Council Members.

Representative Austin asked whether or not the funding for the traffic control assistance had been budgeted for.

Mayor Joe Wardy asked Mr. Shubert to respond to Representative Austin's question at the next City Council meeting.

Motion made by Representative Cushing, seconded Representative Lozano and unanimously carried to postpone one (1) week the request of Sun Bowl Association to hold the Las Palmas Del Sol Sun Bowl Parade on November 25, 2004 from 1:00 a.m. to 4:30 p.m. Route: Starting at the corner of Montana and Mesa, proceeding on Montana and ending at the North/South freeway service road. Approximately 3,000 persons, 150 vehicles and 40 animals will take part and 275,000 spectators are anticipated. This request includes permission to use amplification (several floats may have sound equipment capable of being heard to the curb of the route). PERMIT#: 04-110 [Bernie Olivas]

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve the request of YMCA of Greater El Paso to hold its 28th Annual Turkey Trot on November 25, 2004 from 7:30 a.m. to 8:30 a.m. Route for walk: Start on Montana and Ochoa, proceed on Montana to Cotton, turn left on Cotton, and turn back around to Montana and Ochoa. Route for run: Start on Montana and Ochoa, proceed on Montana to Williams, turn left on Williams to Rio Grande, turn right on Rio Grande to Magnolia, turn back around and finish at Montana and Ochoa. Approximately 1,000 persons will take part and 200 spectators are anticipated. PERMIT#: 04-091 [Bea Esparza & Bob Brower]

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve the request of Parkland High School to hold a homecoming parade on October 7, 2004 from 6:00 p.m. to 7:00 p.m. Route: Start on Parkland High School rear parking lot on Bomarc to Nova, turn right on Nova to Ballistic, turn left on Ballistic to Regulus, turn left on Regulus to Minuteman, turn left on Minuteman to Nova, turn left on Nova to Bomarc, and finish at the school's rear parking lot. Approximately 150 persons, 35 vehicles will take part and 500 spectators are anticipated. PERMIT#: 04-112 [Ramon S. Lozano]

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve the request of Outrageous Fortune Theatre Co. to use amplification (2 wireless microphones, 1 speaker) at Union Plaza Park on September 30, 2004 from 7:00 p.m. to 10:00 p.m. Approximately 10 persons will take part with 200 spectators anticipated. PERMIT#: 04-115 [Ken Forestal]

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve the request of Outrageous Fortune Theatre Co. to use amplification (2 wireless microphones, 1 speaker) at Union Plaza Park on October 1 & 2, 2004 from 7:00 p.m. to 10:00 p.m. Approximately 10 persons will take part with 200 spectators anticipated. PERMIT#: 04-116 [Ken Forestal]

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve the request of Outrageous Fortune Theatre Co. to use amplification (2 wireless microphones, 1 speaker) at Union Plaza Park on October 7 & 8, 2004 from 7:00 p.m. to 10:00 p.m. Approximately 10 persons will take part with 200 spectators anticipated. PERMIT#: 04-117 [Ken Forestal]

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve the request of Outrageous Fortune Theatre Co. to use amplification (2 wireless microphones, 1 speaker) at Union Plaza Park on October 9 & 10, 2004 from 7:00 p.m. to 10:00 p.m. Approximately 10 persons will take part with 200 spectators anticipated. PERMIT#: 04-118 [Ken Forestal]

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve the request of Juvenile Diabetes Research Foundation to hold a 5K Walk on October 2, 2004 from 6:00 a.m. to 12:00 p.m. Route: Starting at Sunland Park Mall's parking lot and turning right on Mesa Hills Dr., turning right on Cabaret, turn right on Carousel, turn right on Rubin, turn right on Suncrest, turn left on Wallenberg, turn left on Mesa Hills Dr. and finish at Sunland Park Mall's parking lot. Approximately 400-700 persons and 2 vehicles will take part with no spectators anticipated. PERMIT#: 04-121 [Noelle Krempasky-Lantka]

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An ordinance granting a Special Privilege to Kern Place Merchants Association to temporarily close a portion of Cincinnati Avenue between Mesa Street and Stanton Street for a "HALLOWEEN," celebration on Saturday, October 30, 2004 and Sunday October 31, 2004. (Consideration: \$137.50, SP-04020)
- B. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) Section 12.88.030 (Schedule III Parking Prohibited at All Times On Certain Streets.) To Add New Locations On Grama Street, Both Sides, From San Antonio Avenue To A Point 167 Feet North; On Grama Street, Both Sides, From San Antonio Avenue To A Point 60 Feet South; On San Antonio Avenue, North Side Only, From Grama Street to A Point 210 Feet East; On San Antonio Avenue, South side Only, From Grama Street To A Point 510 Feet East, And On San Antonio Avenue, South Side Only From Grama Street To A Point 73 Feet West. Penalty Being As Provided In Section 12.84.010 Of The El Paso Municipal Code.
- C. An Ordinance vacating a portion of Cedar Street right-of-way, El Paso, El Paso County, Texas and providing for exchange.
- D. An Ordinance vacating a portion of Sun Bowl Drive out of Hart Survey No. 2, City of El Paso, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON OCTOBER 12, 2004 FOR ITEMS A – D

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to postpone two (2) weeks the introduction of an Ordinance changing the zoning of a portion of Tract 11B, Block 2, Ascarate Grant, El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: JACS Properties, Inc. ZON04-00104
.....

No action was taken on the discussion and action on directing staff to formulate a proposal for the enhancement of Stevens Street to include angle parking, sidewalk modifications, and unpaved right-of-way; in conjunction with the Concordia Heritage Association and surrounding businesses.

Representative Cobos explained that the Concordia Heritage Association ("CHA") was improving the sidewalks and adding angle parking surrounding the Concordia cemetery, at the expense of the Association. He asked that Mr. Marquez provide an analysis regarding angle parking from Gateway West to Yandell.

Mr. Bernie Sargent, Concordia Heritage Association representative, explained that the sidewalks would meet ADA requirements, approximately six feet in width. He thanked Representative Cobos for his attention to the matter. He noted that the CHA had a deadline to meet with respect to the contract with the City and County of El Paso and added that the entities would work together.

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, explained that the Department was developing a schematic and coordinating with the Street Department regarding surveying the area. He noted that the Traffic Department would be bringing the results of those actions to Council in approximately two weeks. He answered questions from and responded to comments made by the Council Members.

Ms. Terri Cullen-Garney, Deputy City Attorney, made remarks regarding the CHA contract extension and plan review by City staff.

Representative Lozano asked Mr. Marquez what the width of Stevens Street would be following the inclusion of the sidewalks and angle parking.

Mr. Leo Duran, Sr., L&J restaurant proprietor, asked that all considerations be given to the parking issue specifically as a result of the CHA's efforts to enhance the Stevens Street side of the cemetery. He asked that the Council be sensitive to business interest in the community, as well as neighboring businesses, and reiterated that he was not opposed to the efforts of the CHA and Green Sweep.

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No action was taken on the discussion and action regarding City Code Sections 5.52.130 and 5.52.140.

Ms. Lisa Hayes, Assistant City Attorney, explained that City Code Sections 5.52.130 and 5.52.140 pertained to the regulation of massage establishments. She answered questions from and responded to comments made by the Council Members.

Mr. Alan Shubert, Director of Building Permits and Inspections, noted that the Department was currently holding meetings in order that an ordinance be crafted to comply with State law. He clarified that State law governed the practitioners; however, the purpose of the business license was to regulate the health, safety and welfare of the establishment. He noted that the ordinance introduction would be brought to the Council in approximately one month and answered questions from and responded to comments made by the Council Members.

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**A RESOLUTION ADOPTING AN AMENDED CITY OF EL PASO
INVESTMENT POLICY**

WHEREAS, the City is required to review the City's Investment Policy annually, and
WHEREAS, this review is authorized by the Public Funds Investment Act, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CITY OF EL PASO:

THAT the City of El Paso Investment Policy, as amended, attached hereto as "Exhibit A" (Exhibit A on file in the City Clerk's Office) is hereby adopted as the investment policy of the City of El Paso effective September 2004.

1st Motion:

Motion made by Representative Cushing, seconded by Representative Cobos and carried to amend the language in the investment policy by replacing "Deputy City Manager for Financial and Administrative Services" with "City Manager"

AYES: Representatives Austin, Cushing, Lozano, Escobar, Rojas, and Cobos
NAYS: Representative Cook

2nd Motion:

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve the above Resolution as **amended**.

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas, and Cobos

Ms. Carmen Arrieta, Comptroller, asked that the Council approve the City's Investment Policy as amended and highlighted the four amendments.

Representative Cushing requested that the following language be removed from Section 3.3 – Yield, "Securities shall generally be held until maturity unless as deemed appropriate by the Deputy City Manager for Financial and Administrative Services." He requested that the language "Deputy City Manager for Financial and Administrative Services" be removed from the document entirely and replaced with "City Manager".

Ms. Joyce Wilson, City Manager, suggested that the policy language could be amended to read "City Manager" rather than as currently written.

Ms. Arrieta suggested the language read that the "Treasury Services Manager makes a recommendation and has concurred with the Comptroller and/or Deputy City Manager". This language was not accepted.

Representative Cook requested that the language be amended to read "deemed appropriate by the Deputy City Manager for Financial and Administrative Service and in concurrence with the City Manager".

Representative Cushing did not accept Representative Cook's amendment.

Representative Austin asked Ms. Arrieta to identify the Investment Officer as noted in Section 4.4.

Ms. Arrieta explained that the Investment Officer is the Treasury Services Manager. She introduced Ms. Blanca Lorkowski, Treasury Services Manager.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to postpone two (2) weeks the discussion and action on a Resolution that the City accepts the dedication of a Street Right-of-Way located within a portion of Tract 1A, Block 11, Upper Valley Surveys (the extension of Gomez Road to serve Valley Creek Park), City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds in the attached Exhibit "A" from Frontera Vista L.P., a Texas Limited Partnership.

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Motion made by Representative Rojas, seconded by Representative Cobos and unanimously carried to authorize the Engineering Department to submit an Easement Vacation application for property located within portion of Lot 2 Municipal Center Subdivision; and that the Planning, Research and Development Department be authorized to accept and process such application.

Mr. Rudy Valdez, Chief Urban Planner, explained that the item would authorize the Engineering Department to submit an application to vacate an easement for the construction of the Lower Valley Library, a Quality of Life project.

Representative Rojas asked why the easement was created.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to delete the discussion and action on a Resolution authorizing the Mayor to sign an instrument quitclaiming all of the City's right title and interest in the property vacated by Ordinance No. 1856 that vacated a part of Savage Street bounded by Kansas Street, Coffin Avenue, and Lot 11 in Block F-28 of the Alexander Addition and that the City of El Paso acknowledges that a portion of Lots 11 and 12, Fractional Block 28, Alexander Addition is and has been used by the City of El Paso as a public sidewalk and that the City hereby accepts a quitclaim deed for such subject property.
.....

RESOLUTION

WHEREAS, on August 31, 2004, the El Paso City Council took action to create an ad hoc committee to investigate and define geologically occurring contours on and around the Franklin Mountains that could serve as water conveyance and/or runoff channels, define same, assess impact to commercial and residential development within and around such area, review impact to development within those areas, review various legal authority including applicable statutes and ordinances in place in other southwestern cities, planning and engineering data regarding same, and return to the El Paso City Council within 90 days with an appropriate ordinance;

WHEREAS, such committee now consists of three representatives of the El Paso Association of Builders as same may be chosen by the president of that association, Dr. David V. LeMone of the University of Texas at El Paso or his assign, an engineering representative, and a planning representative; and

WHEREAS, Council herein is of the collective opinion that the committee composition can and should be modified by adding two members appointed by the Mayor from a list of members of Recognized Neighborhood Associations, such list to be provided by the City's Neighborhood Initiatives Liaison and also one member of the Greater El Paso Association of Realtors, such member to be appointed by the president of that association; and

WHEREAS, Council is of the collective determination that of the two members appointed by the Mayor, one appointee shall be a biologist/ecologist or someone with a similar background and knowledge of such matters and that the other appointee shall be a hydrologist or someone with a similar background and knowledge of such matters, the Mayor's determination of the existence of similar background and knowledge being final; and

WHEREAS, City Council herein finds that the proposed committee membership is chosen by Council, that such membership is representative of the will of Council, and is fair and uniform in nature as to the interests of each Council member; and

WHEREAS, Council is of the opinion that the resolution dated August 31, 2004 should be deleted in its entirety and replaced with this resolution which adds two members appointed by the Mayor, modifies quorum requirements, extends the time allowed for ad hoc committee review, yet otherwise does not attempt to modify the substance or intent of the resolution dated August 31, 2004.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the resolution dated August 31, 2004 forming the ad hoc committee referenced herein is hereby deleted by way of approval of this resolution.
2. That a nine person committee is herein formed, such committee to consist of three representatives of the El Paso Association of Builders as same may be chosen by the president of that association, a member of the Greater El Paso Association of Realtors as same may be chosen by the president of that association, Dr. David V. LeMone of the University of Texas at El Paso or his assign, an engineering representative from the City engineering department to be chosen by the City Engineer, a planning representative from the Department of Planning, Research, & Development to be chosen by the Director of that department, and two Recognized Neighborhood Association members, one of which shall be a biologist/ecologist or someone with similar background and knowledge of such matters and the other which shall be a hydrologist or someone with similar background and knowledge of such matters, both chosen by the Mayor from a list of candidates to be provided by the City's Neighborhood Initiatives Liaison;

3. That this eight person committee shall meet at least once a week, four persons necessary for purposes of a quorum, and shall investigate and define geologically occurring contours on and around the Franklin Mountains that could serve as water conveyance and/or runoff channels, define same, assess impact to commercial and residential development within and around such areas, review impact to development within those areas, review various legal authority to include ordinances and statutes applicable to other southwestern cities, planning and engineering data regarding same, and return to the El Paso City Council within 90 days of creation herein with an appropriate ordinance;
4. That this ad hoc committee shall work to obtain recommendations, at a minimum, from the El Paso Development Coordinating Committee and El Paso City Plan Commission prior to presentation of an appropriate ordinance to Council;
5. That this ad hoc committee shall allow for administrative assistance from a member of the El Paso Representative District #2 office as well as the Department of Planning, Research, & Development.

Representative Cushing requested that the discussion and action on a resolution replacing the resolution approved by City Council on August 31, 2004, which created an ad hoc committee charged with investigating, defining, and assessing impact of geologically occurring contours on and around the Franklin Mountains that could serve as water conveyance and/or runoff channels and recommending an appropriate ordinance regarding same. Such replacement resolution shall add two members from Recognized Neighborhood Associations, amend quorum requirements from three to four, clarify and confirm that the committee is charged with reviewing ordinances and statutes applicable to other southwestern cities, and reset the time allowed for completion of the assigned task to 90 days from the date of enactment be taken concurrently.

Mr. Richard Schechter, citizen, requested that the Parliamentary rule on the proper posting of the above agenda item and opined that the item should have stated that the Council Members were to "reconsider rescinding" the previously approved resolution.

Mayor Joe Wardy explained that the Council did not have a parliamentarian and as the presiding officer, he determined that the two items would be discussed simultaneously.

Representative Cook noted that the Parliamentary position is the City Attorney.

Representative Austin suggested that it would preferable that neighborhood association individuals who possess the technical expertise to define "arroyo" and agreed that the first step of the committee was technical.

Mr. Schechter provided the Council with copies of the magazine "El Paso Inside & Out" and referred to an article addressing "Arroyos". He asked that the charge of the committee be properly defined today. He commented on the technical individuals to be appointed to the committee and requested that the committee include members of the Neighborhood Associations.

Representative Cushing explained that the resolution, as noted above, clearly defines the tasks with which the committee is charged and asked Mr. Schechter whether he took exception with the resolution. He noted that the original intent of the technical committee was to define "arroyo".

Representative Cobos commented on the technical individuals appointed to the committee. He noted that the committee meetings were open to the public and invited Mr. Schechter to attend.

1st Motion:

Motion made by Representative Austin, seconded by Representative Rojas to revise the resolution language to state “. . . and two recognized Neighborhood Association members, ***preferably a biologist or someone with similar background and knowledge of such matters and the other preferably be a hydrologist or someone with a similar background***, to be appointed by the Mayor”. She also requested that the resolution language delineate that the first task of the committee to define “arroyo”.

AYES: Representatives Austin and Rojas

NAYS: Representatives Cushing, Lozano, Cook, Escobar, and Cobos

The motion failed.

Representative Cook stated that the language as proposed by Representative Austin was too limiting.

Mr. Schechter suggested that two committees be developed; one to be tasked with defining “arroyos” and how develop affects those arroyo areas, and the other to compose an arroyo ordinance implemented by the first committee.

Mayor Wardy requested that the technical committee be allowed to perform the assigned charge prior to the development of an ordinance.

2nd Motion

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to approve the resolution as posted on the agenda.

There was no vote taken on the motion.

Mr. Matt Watson, Assistant City Attorney, explained that the resolution as provided and presented today, allows the ad hoc committee to define and develop a comprehensive ordinance for preservation of the natural occurrences.

Ms. Terri Cullen-Garney, Deputy City Attorney, provided legal advice regarding the resolution language and subsequent revisions to the resolution.

The following individuals made suggestions to the composition of the technical committee:

Mr. Stuart Mitchell, Mountain Arroyos Neighborhood Association, requested that: 1. add a third Neighborhood Associations member to provide a sense of parity between the developers and the Neighborhood Associations and; 2. delete the technical definitions of Neighborhood Association members.

Ms. Lisa Turner, citizen, concurred with Mr. Mitchell's suggestion to add an additional Neighborhood Association representation and that the Neighborhood Association's select their representatives.

Mr. Charlie Wakeem, President of the Coronado Neighborhood Association, suggested that an individual from the Army Corps of Engineers be added to the technical committee.

Mr. Matt Carroll, citizen, suggested that the technical committee be comprised of three members from the builder's community, three Neighborhood Association representatives without any qualifying features; and three technical experts.

Mr. Michael Bray, Greater El Paso Association of Realtors, suggested that an individual with real estate background be added to the technical committee membership.

Representative Cobos concurred with the suggestion made by Mr. Bray. He withdrew his second to Representative Cushing's previous motion.

3rd Motion:

Motion made by Representative Cobos, seconded by Representative Rojas and carried to modify the composition of the board to changing it to two members from the builders' community and one member from the real estate community.

There was no vote taken on the Motion.

Ms. Cullen-Garney asked who would be selecting the member from the real estate community to be appointed to the committee.

Representative Cobos stated that the Greater El Paso Association of Realtors would be making a recommendation; however, the Mayor would make the final determination.

Representative Cushing suggested that the Council should an individual from the real estate community today.

4th Motion:

Representative Cobos withdrew his previous motion.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to include a member of the Real Estate Association on the committee who is selected by the President of the Greater El Paso Association of Realtors.

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas, and Cobos

5th Motion:

Motion made by Representative Cushing, seconded by Representative Cobos and carried to approve the above Resolution as **amended**.

AYES: Representatives Cushing, Lozano, Cook, Escobar and Cobos

NAYS: Representatives Austin and Rojas

.....
RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT City Council hereby requires that all budget transfers requiring Council approval that are over \$500,000.00 and all contracts, bids, request for proposals or request for qualifications awards that are over \$500,000.00, be placed on the regular agenda of the City Council Meeting Agenda.

There was no discussion on the item.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

RESOLUTION

WHEREAS, the City awarded Contract No. 2002-094 to Rojero's Company, on March 19, 2002, for Salvage of Landfills for Solid Waste Management ; and

WHEREAS, the City Council terminates said Contract for convenience pursuant to the provisions of the Contract; and

WHEREAS, pursuant to Section C, 8A of the Contract (Cancellation for Convenience), the City is authorized to terminate the Contract for convenience; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of Purchasing is authorized to notify Rojero's Company, that the City is terminating Contract No. 2002-094 pursuant to the provisions and requirements of Section C, 8A of the Contract Clauses due to convenience and that the termination shall be effective as of September 30th 2004.

Mr. Byron Johnson, Director of Purchasing, explained why the contract termination was necessary.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to postpone ten (10) weeks a public hearing to determine if the property located at 378 S. Santa Fe Street AKA 115 W. Paisano Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 26th, 2003. The owner of this property, Anid, Inc., 2120 Myrtle Avenue, El Paso, Texas 79901, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Mr. Thomas Maguire, Building Permits and Inspections, explained that the property owner was requesting additional time to bring the property into compliance with the Municipal Code. He added that he was asking that the property owner make the commitment to bring the building into compliance, if not, the building would be condemned. He answered questions from and responded to comments made by the Council Members.

Ms. Bobby Tellez, representing ANID Inc., asked for an additional 60 days to bring the building into compliance and enumerated the repairs already taken place on the building. She thanked Mr. Maguire and Mr. Leo Casso-Lopez of the Building Permits and Inspections Department for their assistance. She answered questions from and responded to comments made by the Council Members.

Representatives Cobos, Austin, and Cushing made comments and/or asked questions of Mr. Maguire and/or Ms. Tellez.

1st Motion:

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to postpone nine (9) weeks a public hearing to determine if the property located at 378 S. Santa Fe Street AKA 115 W. Paisano Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 26th, 2003. The owner of this property, Anid, Inc., 2120 Myrtle Avenue, El Paso, Texas 79901, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas, and Cobos

2nd Motion:

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to reconsider the item.

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas, and Cobos

3rd Motion:

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to postpone ten (10) weeks a public hearing to determine if the property located at 378 S. Santa Fe Street AKA 115 W. Paisano Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 26th, 2003. The owner of this property, Anid, Inc., 2120 Myrtle Avenue, El Paso, Texas 79901, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried to postpone two (2) weeks a public hearing to determine if the property located at 6127-6135 N. Mesa Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated February 2004. The owner of this property, Karl M. Friedman, 5647 A Cory Drive, El Paso, Texas 79932, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Mr. Thomas Maguire, Building Permits and Inspections, explained that the contractor representing the property owner had taken out demolition permits today and offered the property owner an additional two-week postponement on the condemnation action.

Mr. Jesse Candelaria, representing the property owner, explained the location of the property.

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to postpone two (2) weeks a public hearing to determine if the property located at 1406-1418 Myrtle Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated June 8th, 2004. The owners of this property, Jose A. Gutierrez, Pedro Taboada, and Joseph P. Murray, 2300 N. Campbell Street, El Paso, Texas 79902, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to postpone three (3) weeks an ordinance amending Title 18 (Building and Construction) of the El Paso Municipal Code, by deleting Chapter 18.52 (Unsafe Structures and Conditions) and creating Chapter 18.50 (Property Maintenance Code), and adopting the 2003 edition of the International Property Maintenance Code to provide minimum requirements and standards for the use, occupancy and maintenance of existing structures and premises. The penalty being as provided in Section 18.02.107 of the code.

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to postpone three (3) weeks an ordinance amending Title 2 (Administration and Personnel), by adding a new Chapter 2.38 (Building and Standards Commission), pursuant to Texas Local Government Code Section 54.033 to hear and determine cases concerning violations of Chapter 18.50 without further appeal to City Council. The penalty being as provided in Section 2.38.110 of the code.

ORDINANCE 15900

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18, (BUILDING AND CONSTRUCTION), CHAPTER 18.16 (ELECTRICAL CODE) OF THE EL PASO CITY CODE TO ADOPT THE 2002 EDITION OF THE NATIONAL ELECTRICAL CODE WITH CHANGES APPROPRIATE FOR THE CITY OF EL PASO. THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO CITY CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15901

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO BARBARA ENTINGER PERMITTING THE ENCROACHMENT OF A CANOPY ALONG A PORTION OF PUBLIC RIGHT-OF-WAY AT 300 SOUTH EL PASO STREET #D.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15902

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD NEW LOCATIONS ON THE SOUTH SIDE OF ALTO REY DRIVE FROM RESLER DRIVE TO A POINT 100 FEET EAST, ON THE NORTH SIDE OF ALTO REY DRIVE FROM RESLER DRIVE TO A POINT 125 FEET EAST, AND ON ALTO REY DRIVE FROM RESLER DRIVE TO A POINT 115 FEET WEST, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15903

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO MUNICIPAL CODE, TO ADD A SUBSECTION IDENTIFYING THE SPEED LIMIT AS FORTY MILES PER HOUR ON HENRY BRENNAN DRIVE FROM ZARAGOZA ROAD (FM 659) TO GATEWAY BOULEVARD WEST. THE PENALTY IS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15904

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO MUNICIPAL CODE, TO ADD A SUBSECTION IDENTIFYING THE SPEED LIMIT AS FIFTY MILES PER HOUR ON GLOBAL REACH DRIVE. THE PENALTY IS AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to postpone one (1) week the discussion and action on a Resolution approving Detailed Site Development Plan No. ZON04-00070, for Tract 23 B, Block 29, Ysleta Grant and Tract 8H, Block 33, Ysleta Grant, El Paso, El Paso County, Texas (131 South Yarbrough Dr.) pursuant to zoning conditions as imposed by Ordinance No. 014916. The Penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Ricardo Olague.
.....

*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to postpone one (1) week An Ordinance changing the zoning of Tract 4B, Block 29, Ysleta Grant, El Paso, El Paso County, Texas (220 Lafayette Drive) and all of Lot 3, Block 1, White Oaks Subdivision from R-F (Ranch/Farm) TO R-3 (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jose Chavez. ZON04-00080.

.....
ORDINANCE 15905

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 3 AND ALL OF LOT 4, BLOCK 3, CANUTILLO INDUSTRIAL PARK, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval with certain conditions; 1. the submittal of a detailed site development plan and prior to the issuance of building permits and; 2. an additional 10-foot wide landscape buffer along the westerly property line. He amended the ordinance language to read “the 10 foot wide landscape buffer along the westerly property line where abutting any residential development”. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

Representative Austin requested that the ordinance language to delete the requirement for the Detailed Site Development Plan.

Representative Rojas asked Mr. Valdez questions regarding the additional 10-foot landscape buffer.

Mr. Matt Watson, Assistant City Attorney, provided legal advice.

1st Motion:

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to amend the ordinance language to delete the requirement for the Detailed Site Development Plan.

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas, and Cobos

The City Clerk called for public comment. There was no public comment.

2nd Motion:

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be adopted as **amended and revised**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted as **amended and revised**.

ORDINANCE 15906

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00100, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON TRACT 1E AND A PORTION OF TRACT 1H, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS PURSUANT TO SECTION 20.14.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15907

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACTS 11A AND 12 AND ALL OF TRACT 11B, SECTION 36, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) AND C-3/SC (COMMERCIAL/SPECIAL CONTRACT) TO C-4 (COMMERCIAL) AND C-4/SC (COMMERCIAL/SPECIAL CONTRACT) AND IMPOSING CERTAIN CONDITIONS; PARCEL 2: A PORTION OF TRACTS 11A AND 12, SECTION 36, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) AND C-1/SC (COMMERCIAL/SPECIAL CONTRACT) TO C-3 (COMMERCIAL) AND C-3/SC (COMMERCIAL/SPECIAL CONTRACT); AND PARCEL 3: A PORTION OF TRACT 11A, SECTION 36, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-1 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval placing certain conditions on Parcels 1 and 2. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

Representative Cushing asked Mr. Valdez regarding a portion of the property in question.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar and Cobos
NAYS: Council Member Rojas Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15908

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 1E AND A PORTION OF TRACT 1H, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM A-2/C (APARTMENT/CONDITIONS) AND C-4/C (COMMERCIAL/CONDITIONS) TO R-5/C (RESIDENTIAL/CONDITIONS). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15909

The City Clerk read an Ordinance entitled: **ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00069, TO ALLOW FOR A GOVERNMENTAL USE ON A PORTION OF LOT 83, BLOCK 12, TIERRA DEL ESTE UNIT ONE, EL PASO, EL PASO COUNTY, TEXAS (12600 PEBBLE HILLS BOULEVARD) PURSUANT TO SECTION 20.14.040. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Representative Cushing asked Mr. Rudy Valdez, Chief Urban Planner, what the definition of "governmental use" was.

Mr. Valdez explained that "governmental use" was for a library, in this case.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to postpone one (1) week an Ordinance granting Special Permit No. ZON04-00091 to allow for a parking reduction on the property described as South Portion of Lots 14 to 16, Block 41, East El Paso, El Paso, El Paso County, Texas (3624 Gateway East, Suite B), Pursuant to Section 20.64.175, and The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Luis M. Alvarado.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that, as of this morning, one letter in opposition was submitted to the Planning, Research and Development Department and answered questions from and responded to comments made by the Council Members.

Mr. Albert Clift, affected resident, spoke in opposition to the Special Permit.

Mr. Cruz Garcia, applicant representative, explained the hours of operation for the proposed business and answered questions from and responded to comments made by the Council Members.

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*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to postpone one (1) week an ordinance changing the zoning of A portion of Lot 1, Block 112, Vista Del Sol Unit 16, El Paso, El Paso County, Texas (11129 Pelicano Drive) from P-I (Planned Industrial) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Grys Group, LLC. ZON04-00099.

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to delete the following executive session item:

James K. Terrell vs. City of El Paso, et. al., Cause No. EP-03-CA-0364-KC (551.071)

.....
*Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to postpone one (1) week the following discussion and action executive session item:

Asarco v. TCEQ; In the 261st District Court, Travis County, Texas; Cause No. GN401709. (551.071)

.....
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:49 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A. J.G.W. Foods Chapter 7, Case No. 03-32427 (551.071) (551.071)
- B. Jacob Telles vs. City of El Paso, et. al., Cause No. EP-03-CA-0528-KC (551.071)
- C. Nancy Hollebeke v. City of El Paso, et. al., Cause No. EP-04-CA-0185-HLH (551.071)
- D. Maria Ramirez v. City of El Paso, Cause No. EP-04-CA-0245-KC (551.071)
- E. Truett L. Maddox, et al vs. The City of El Paso, et al, Cause No. 92-14046 (551.071)
- F. Armando Chacon vs. The City of El Paso, et al, Cause No. 2001-4755 (551.071)

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 1:16 a.m., during which time motions were made as follows:

Representative Austin was not present for the vote.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the City Attorney's Office be authorized to **proceed** in the case entitled J.G.W. Foods Chapter 7, Case No. 03-32427, as recommended by the City Attorney's Office.

Representative Austin was not present for the vote.

.....
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the City Attorney's Office be authorized to retain separate legal representation for Carlos Leon in the case entitled Jacob Telles vs. the City of El Paso, et al., Cause No. EP-03-CA-0528-KC as recommended by the City Attorney's Office.

Representative Austin was not present for the vote.

.....
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the City Attorney's Office be authorized to retain separate legal representation for Carlos Leon in the case entitled Nancy Hollebeke vs. the City of El Paso, et al., Cause No. EP-04-CA-0185-HLH as recommended by the City Attorney's Office.

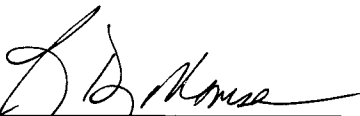
.....
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the City Attorney's Office be authorized to retain separate legal representation for Carlos Leon in the case entitled Maria Ramirez vs. the City of El Paso, et al., Cause No. EP-03-CA-0245-KC as recommended by the City Attorney's Office.

.....
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the City Attorney's Office be authorized to **HIRE TWO EXPERT WITNESSES** in the case entitled Truett L. Maddox, et al vs. The City of El Paso, et al., Cause No. 92-14046, as recommended by the City Attorney's Office.

.....
Motion made Representative Cobos, seconded by Representative Lozano and unanimously carried that the City Attorney **PROCEED WITH AN APPEAL** in the case entitled **ARMANDO CHACON vs. CITY OF EL PASO, et al, Cause No. 2001-4755**, as recommended by the City Attorney.

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to adjourn this meeting at 1:22 p.m.

APPROVED AS TO CONTENT:


Richarda Duffy Momsen, City Clerk